

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ROBERT HOPKINS, III,

Plaintiff,

v.

DEPARTMENT OF DEFENSE,

Defendants.

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Civil Action No. 3:22-CV-00706-E

ORDER

Before the Court is Defendant United States Department of Defense's ("Defendant") Emergency Motion for Extension of Time (the "Motion to Extend") requesting an extension of the deadline for its motion for summary judgment. (ECF No. 29). Defendant requests a 54-day extension of the deadline to file its motion for summary judgment because:

In the course of preparing that declaration and reviewing the underlying manuscript, agency counsel became aware that the agency's reviewer had inadvertently failed to redact several passages that appear to contain classified or otherwise protected information. The agency has since determined that those passages do contain classified or otherwise protected information that, if released, would cause significant harm to national security and foreign relations.

...

Given the significance of this error, the agency has decided that it needs to review the entire book again to ensure that no other classified or otherwise protected material is contained in the book. The agency is committed to doing this re-review on an expedited basis—specifically, within 45 days. The Department will then issue a revised determination to Dr. Hopkins, and requests permission to move for summary judgment 9 days later, for a total of 54 days.

A scheduling order "may be modified only for good cause." FED. R. CIV. P. 16(b)(4). The Fifth Circuit has explained:

There are four relevant factors to consider when determining whether there is good cause under Rule 16(b)(4): "(1) the explanation for the failure to timely [comply with the scheduling order]; (2) the importance of the [modification]; (3) potential

prejudice in allowing the [modification]; and (4) the availability of a continuance to cure such prejudice.”

Springboards To Educ., Inc. v. Houston Indep. Sch. Dist., 912 F.3d 805, 819 (5th Cir. 2019) (alterations in original) (citations omitted), *as revised* (Jan. 29, 2019), *as revised* (Feb. 14, 2019).

The Court concludes that Defendant has established that good cause exists to extend the deadline for its motion for summary judgment. Accordingly, the Court hereby **GRANTS** the Motion to Extend. (ECF No. 29). Defendant shall file its motion for summary judgment **no later than Wednesday October 4, 2023, at 5:00 pm, central standard time.**

SO ORDERED: August 10, 2023.

A handwritten signature in black ink, appearing to read 'Ada Brown', is written over a horizontal line.

Ada Brown

UNITED STATES DISTRICT JUDGE